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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,663

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Pierre Untersinger

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EXAMINER

ENGLISH, JAMES A

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

09/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,663	Applicant(s) UNTERSINGER ET AL.	
	Examiner James English	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/10/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 06/10/2009 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer et al. (US 6,619,689 B2) in view of Hirai et al. (US 5,945,185).

With respect to claims 1 and 9, Spencer et al. discloses a method of making an airbag (232) and an airbag (232), the method comprising the steps of blow moulding a selected plastics material comprising PC to form the airbag (232) utilizing a mould corresponding to the final uninflated state (273, 275) of the airbag (232). (Figs. 12 and 18-19, col. 4, lines 4-11, col. 6, lines 7-27 and col. 7, lines 1-4.) Spencer et al. further discloses the mould being such that the moulded airbag (232) has at least one indented region (44), which, on inflation of the airbag (232) becomes outwardly extending. (Figs. 7-8, col. 4, lines 12-40.) Spencer et al. suggests that other suitable thermoplastic materials may be used but does not specifically state using ABS. (Col. 6, line 67 and

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col. 7, lines 1-4.) Hirai et al. teaches of a blow molded airbag made of a thermoplastic polyurethane resin comprising ABS. (Col. 1, lines 5-10, col. 5, lines 41-46, 65-67 and col. 6, line 5.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a blow-moulded airbag made of ABS as described in Hirai et al. into the invention of Spencer et al. in order to survive hostile conditions, such as efficient deployment over a range of temperatures. (Col. 1, lines 63-67.)

With respect to claim 2, Spencer et al. discloses a gas generator (270) for the airbag (232). (Col. 6, lines 1-6.)

With respect to claims 3-5 and 10-11, Spencer et al. discloses the indented region (259) comprises an annular indented groove that comprises a central indented area. (Figs. 14 and 17-19, col. 6, lines 34-40.)

With respect to claims 6-7, Spencer et al., as modified, discloses using polycarbonate (PC) and Acrylonitrile-Butadiene-Styrene (ABS) to form the airbag. Spencer et al., as modified, discloses using the claimed invention except for specifying using at least 40% ABS and PC or at least 80% ABS and PC. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the airbag out of at least 40% ABS and PC or at least 80% ABS and PC, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

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4. Claims 1-3, 6-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khoudari et al. (US 2002/01858847) in view of Matsuoka et al. (US 2004/0138377).

With respect to claims 1 and 9, Khoudari et al. discloses a method of making an airbag (40) and an airbag (40), the method comprising the steps of blow moulding a selected plastics material comprising PC to form the airbag (40) utilizing a mould corresponding to the final uninflated state (56) of the airbag (40). (Figs. 1-2 and 4-5, paragraphs 20 and 25.) Khoudari et al. further discloses the mould being such that the moulded airbag (40) has at least one indented region (50), which, on inflation of the airbag (40) becomes outwardly extending. (Figs. 4-5, paragraphs 22-23.) Khoudari et al. provides examples of other suitable thermoplastic materials that may be used but does not specifically state using ABS. (Paragraph 25.) Matsuoka et al. teaches of a blow molded thermoplastic resin applicable to air bags comprising ABS. (Paragraphs 67, 98-100.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to use ABS to make a blow-moulded airbag as described in Matsuoka et al. into the invention of Khoudari et al. in order to achieve an airbag with characteristics of workability and moldability. (Paragraph 7.)

With respect to claim 2, Khoudari et al. discloses a gas generator for the airbag (40). (Paragraph 24.)

With respect to claims 3 and 10, Khoudari et al. discloses the indented region (50) comprises an indented groove. (Figs. 4-5.)

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With respect to claims 6-7, Khoudari et al., as modified, discloses using polycarbonate (PC) and Acrylonitrile-Butadiene-Styrene (ABS) to form the airbag. Khoudari et al. discloses using the claimed invention except for specifying using at least 40% ABS and PC or at least 80% ABS and PC. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the airbag out of at least 40% ABS and PC or at least 80% ABS and PC, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Response to Arguments

5. Applicant's arguments with respect to claims 1-7 and 9-11 have been considered but are moot in view of the new ground(s) of rejection.

6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., blow moulding a selected plastics material comprising ABS and PC) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited on the PTO-892 form disclose similar features of the claimed invention.
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James English whose telephone number is (571)270-7014. The examiner can normally be reached on Monday - Friday, 8:00 - 4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571)272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James English/
Examiner, Art Unit 3616

/Ruth Ilan/
Primary Examiner, Art Unit 3616